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Attorneys for Plaintiffs J & J Sports Productions, Inc.

## UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA SAN JOSE DIVISION

J & J SPORTS PRODUCTIONS, INC., CASE NO. 5:10-cv-05140-LHK

Plaintiff,

VS.

FREDIS NOEL BONILLA, et al.

Defendants.

PLAINTIFF'S EX PARTE
APPLICATION FOR AN ORDER
VACATING THE CASE
MANAGEMENT CONFERENCE; AND

ORDER (Proposed)

## TO THE HONORABLE LUCY H. KOH, THE DEFENDANTS, AND THEIR ATTORNEYS OF RECORD:

Plaintiff J & J Sports Productions, Inc. hereby applies *ex parte* for an order vacating the Case Management Conference in this action, presently set for Wednesday, February 16, 2011 at 2:00 p.m. This request will be, and is, necessitated by the fact that defendants Fredis Noel Bonilla, individually and d/b/a Tacos Choice Mexican Food; and Choice Group Enterprise Inc. an unknown business entity d/b/a Tacos Choice Mexican Food are in default and Plaintiff's Application for Default Judgment is currently pending before this Honorable Court.

As such, as of this writing, Plaintiff has yet to receive an answer or any other responsive pleading from the defendants. As a result, Plaintiff's counsel has not conferred with the defendants concerning the claims, discovery, settlement, ADR or any of the other pertinent issues involving the case itself or the preparation of a Case Management Conference Statement.

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1	WHEREFORE, Plaintiff respectfully requests that this Honorable Court vacate the Case	
2	Management Conference presently scheduled for Wednesday, February 16, 2011 at 2:00 p.m. in order	
3	that Plaintiff and its counsel may avoid neces	sary fees and costs in this matter presently pending final
4	disposition by virtue of Plaintiff's Application for Default Judgment by the Court.	
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7		Respectfully submitted,
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10	D ( 1 E 1 0 2011	/ /TI
11	11	/s/ Thomas P. Riley LAW OFFICES OF THOMAS P. RILEY, P.C.
12		By: Thomas P. Riley Attorneys for Plaintiff
13		J & J Sports Productions, Inc.
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PLAINTIFF'S EX PARTE APPLICATION FOR AN ORDER VACATING THE CASE MANAGEMENT CONFERENCE; AND ORDER (Proposed) CASE NO. 5:10-cv-05140-LHK PAGE 2

1	ORDER (Proposed)		
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3	It is hereby ordered that the Case Management Conference in civil action number 5:10-cv-05140-		
4	LHK styled J & J Sports Productions, Inc. v. Fredis Noel Bonilla, et al., is hereby vacated.		
5	Plaintiff shall also serve a copy of this Order on the Defendants and thereafter file a		
6	Certification of Service of this Order with the Clerk of the Court.		
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9	IT IS SO ODDEDED.		
10	IT IS SO ORDERED:		
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12	February 10, 2011		
13	THE HONOR BLE LUCY H. KOH		
14	United States District Court		
15	Northern District of California		
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